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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

GOOGLE INC.,

Plaintiff,

v.

TRAFFIC INFORMATION LLC,

Defendant.

No. CV09-642-HU

**JOINT SUBMISSION REGARDING
SCHEDULING AND REQUEST FOR
AMENDMENT OF THE DISCOVERY AND
PRETRIAL SCHEDULING ORDER**

Plaintiff Google Inc. ("Google") and defendant Traffic Information, LLC ("Traffic") have conferred concerning amendment to the Discovery and Pretrial Scheduling Order [ECF #3], proposed dates for the conduct of this case, and also scheduling of a Local Rule 16.2 conference for scheduling and planning.

1- JOINT SUBMISSION REGARDING SCHEDULING

Despite their best efforts, the parties have been unsuccessful in reaching a mutually-agreeable proposal. As such, the parties are submitting their respective proposals for the Court's consideration, as follows:

Event	Google's Proposal	Traffic's Proposal (All dates are only if the case is not dismissed or transferred)
Traffic deadline to respond to complaint if case is not dismissed or transferred	Agreed	30 days after ruling on motion to dismiss/transfer
Rule 26(f) Conference	October 21, 2009 (concurrent with the hearing on the Motion to Dismiss or Transfer)	30 days after close of pleadings
Google's disclosure of non-infringement and invalidity contentions and production of supporting evidence	Google recommends that the Court adopt deadlines for disclosure of contentions by <u>both</u> parties similar to those set out in the Patent Local Rules for the Northern District of California, Rules 3-1 through 3-7	90 days after 26(f) conference
Parties exchange proposed claim terms	December 30, 2009	120 days after disclosure of invalidity contentions and production
Parties submit Joint Claim Construction Chart setting out their respective positions	January 27, 2010	60 days after exchange of claim terms
Initial Markman Briefs exchanged simultaneously by the parties	February 10, 2010	45 days after submission of joint chart
Response Markman Briefs exchanged simultaneously by the parties	March 3, 2010	30 days after opening briefs
Markman Hearing (expected not to exceed two days)	At the convenience of the Court. March 22, 2010, is respectfully suggested.	At the court's convenience after close of briefing

2- JOINT SUBMISSION REGARDING SCHEDULING

Event	Google's Proposal	Traffic's Proposal (All dates are only if the case is not dismissed or transferred)
Google's deadline to amend non-infringement and invalidity contentions and supporting evidence only for good cause shown in view of Claim Construction Ruling	Google recommends that the Court adopt deadlines for disclosure of contentions by <u>both</u> parties similar to those set out in the Patent Local Rules for the Northern District of California, Rules 3-1 through 3-7	30 days after Claim Construction Ruling
Close of Fact Discovery	April 30, 2010	90 days after Claim Construction Ruling
Court's Ruling on claim construction issues	At the Court's convenience.	At the Court's convenience.
Exchange of Expert Reports on issues for which the parties bear the burden of proof	30 days after Claim Construction Ruling	Agreed
Exchange of Rebuttal Expert Reports	60 days after Claim Construction Ruling	Agreed
Close of Expert Discovery	90 days after Claim Construction Ruling	Agreed
Dispositive Motions due; each party limited to total of 50 pages of opening summary judgment briefing	150 days after Claim Construction Ruling	Agreed
Response Briefs regarding dispositive motions due; each party limited to total of 50 pages of response summary judgment briefing	180 days after Claim Construction Ruling	Agreed
Reply Briefs regarding dispositive motions due; each party limited to total of 35 pages of reply summary judgment briefing	194 days after Claim Construction Ruling	210 days after Claim Construction Ruling
Joint Alternate Dispute Resolution Report due	December 5, 2010	240 days after Claim Construction Ruling

3- JOINT SUBMISSION REGARDING SCHEDULING

Event	Google's Proposal	Traffic's Proposal (All dates are only if the case is not dismissed or transferred)
Pretrial Order due	December 5, 2010	270 days after Claim Construction Ruling

Pursuant to the Discovery and Pretrial Scheduling Order in this case issued June 2, 2009 [ECF #3], discovery is to be completed by October 7, 2009, and the Joint Alternate Dispute Resolution Report and Pretrial Order are due by November 6, 2009. The parties request that the Court extend the deadlines set out in the June 2, 2009 Order. The parties represent that the above-requested amendment to the current schedule is necessitated by the fact that service of the Complaint on the Defendant was delayed due to good faith negotiations between the parties after the filing of the matter; the parties' time has been taken up to date in briefing the Defendant's Motion to Dismiss/Transfer; and this matter, involving allegations relating to patent infringement and validity, requires the preparation set out above by the parties.

Pursuant to Local Rule 100.6, all parties consent to the electronically filed signatures on this document.

DATED: October 7, 2009

Respectfully submitted,

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